

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BILLY HAMILTON,

Plaintiff,

v.

**ILLINOIS CENTRAL RAILROAD
COMPANY, d/b/a CN/IC,**

Defendant.

No. 07-0383-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant's motion to quash Plaintiff's notices of deposition and for protective order (Doc. 96). Defendant moves the Court to enter an order relieving it from the obligation to produce deponents under Rule 30(b)(6) regarding the issue of convenient forum. In response, Plaintiff moved to strike Defendant's motion to quash notices of deposition or for protective order (Doc. 99). Based on the following, the Court denies Defendant's motion.

Specifically, Defendants move to quash the following deposition notices: Jim Danielwicz, Dave Beer, Dennis Novak, and Bret McCullough. Defendant argues that the deposition notices go beyond the parameters of the information required to be disclosed/produced regarding the motion to transfer pursuant to the Court's February 22, 2008 Order; Plaintiff has not provided any reason why these depositions are relevant; and that these depositions are not necessary or appropriate to determine the motion to transfer. The Court does not agree with Defendant.

First, these depositions were set for the end of June 2008. The motion to quash was not filed until July 2, 2008. Obviously, the motion to quash is untimely. Second, it appears to the Court that deposition notices are relevant and consistent with the Court's February 22, 2008 Order. Further, the Court finds that Defendant has unduly wasted the Court's time and resources with this issue.

Accordingly, the Court **DENIES** Defendant's motion to quash Plaintiff's notices of deposition or for protective order (Doc. 96) and **DENIES as moot** Plaintiff's motion to strike Defendant's motion to quash notices of deposition or for protective order (Doc. 99). Further, the Court **ORDERS** Plaintiff to respond to the motion to transfer on or before September 17, 2008.

IT IS SO ORDERED.

Signed this 25th day of August, 2008.

/s/ David R. Herndon
Chief Judge
United States District Court